

# RIVER AND HARBOR BILL.

## REMARKS

OF

HON. LEWIS CASS, OF MICHIGAN,

DELIVERED IN THE SENATE, MARCH 1ST AND 3D, 1851,

ON

THE RIVER AND HARBOR BILL,

[WITH ADDITIONAL EXPLANATIONS.]

Mr. CASS said:

Mr. PRESIDENT: As there is not as much noise and confusion here as I found elsewhere upon a certain memorable occasion, the important circumstances of which have passed into history, I trust I shall meet with no difficulty in the expression of my views upon this occasion. I do not propose to touch the constitutional question involving the powers of the General Government in relation to the objects of this bill. I shall content myself with quoting an authority, which expresses my sentiments upon the subject better than I could do it myself. I have been challenged by an Administration journal in this city to come out with my real views—not by the National Intelligencer, which is a paper conducted with equal taste and talent, and whose editors possess characteristics which command the respect and regard of all who know them—but I repeat, I have been challenged to disclose my real views, as though I had heretofore carefully concealed them till this time. I have never concealed them, sir, either by writing my far-famed letter to the Chicago Convention, or by declining to enter into the discussion of political subjects at Cleveland. As to the letter, the comments upon which constituted the smallest game, that was ever played by a great party, but little is necessary to be said. I was asked to attend the Chicago Convention, and that was all I was asked. I said I should not go, and that was all I said: and this direct and laconic answer has been made the foundation of a thousand misrepresentations, as though a refusal to attend that meeting were the adverse expression of my opinion upon a great constitutional question. Now, sir, I did not go for two reasons: first, because I believed, and yet believe, that many, not all, indeed, of those who were concerned in this scheme, got it up for the purpose of injuring Mr. Polk and the Democratic party; and secondly, because I did not think, that the assemblage of politicians from large districts of country to devise plans for extensive improvements of this nature, where there is no true responsibility, and where a result is too often obtained by mutual arrangement and bargain,

would do any good. And so it proved, for who has seen the first beneficial consequence follow from that Convention? So much for my Chicago letter.

But, sir, I am also accused of disingenuousness, or of something worse upon this subject, because at Cleveland I took refuge behind the *noise and confusion*, and withheld my opinions from the public—and therefore again am I an enemy to all river and harbor improvements. This is another, not of the small things alone, but of the small falsehoods, to which importance was attached, during the Presidential campaign, and which is revived and reasserted, whenever it is thought there is a party object to be gained by it. Falsehoods travel on rapid wings, and he who expects to overtake them, must be fleet indeed. Mr. Jefferson said it was better to live them down, than to write them down. This story has been received with all the certainty of a historical fact, and it is destined to survive all refutation; and even an able Democratic member of the House of Representatives, [Mr. MORSE,] in a recent discussion of this subject in that body, seems to have taken it for granted that this charge of the concealment of my views, and of a resort to an unworthy subterfuge to avoid their exposition, is not the mere reminiscence of an excited political contest, but an ascertained fact, not admitting any reasonable doubt. Had he not thought so—and it was very natural he should, after the stereotyped reports he had seen—he is too honorable to have introduced it upon that occasion. I am sure he will rejoice at this substitution of truth for falsehood. It is well, we have been told here by high authority, to vindicate the truth of history; and in the performance of this duty, I now state, here in my place, that there is not one word of truth in the story. Very recently, Governor Wood, of Ohio, a man who adorns the high station he fills, in a letter, published in the Union, put the seal of reprobation upon it, by giving it a public and direct contradiction. The story runs, that I gave as a reason for not answering the questions of Governor Wood, then chairman of a committee, respecting river



and harbor improvements, that there was too much noise and confusion to do it. I never gave such a reason, nor anything like it. In my letter to Mr. Stevenson, accepting the nomination of the Baltimore Convention, I said I should answer no questions, upon political topics, leaving my opinions to be sought in my speeches and votes and actions,—a resolution almost indispensable under the circumstances, if I did not intend to make professions of political faith to every inquisitive friend or foe, throughout the Union.

Well, sir, on my return, at more than one place in New York, various questions of this nature were put to me, to which I gave the uniform reply, that I could not answer them, consistently with the course I had marked out for myself. At Cleveland, I was asked my sentiments on the subject of river and harbor improvements, and on the exciting topics connected with slavery, which then agitated the public mind. To these inquiries I returned a similar answer; and thus you have the history of the *noise and confusion*, which so much disturbed the equanimity of our political opponents, who sought nothing but the truth in all their investigations—and now having found it utterly reject it. It is due to my friend Governor Wood to say, that when he put these questions to me, he had not seen my letter avowing the course I meant to pursue.

Now, sir, if there are any public men, who above almost all others, could neither deny nor conceal their opinions upon this whole subject, I may claim to be one of them. During the Administration of General Jackson, I was at the head of the War Department, between five and six years, and am responsible for all the estimates sent to Congress, and upon which the several acts of appropriation for river and harbor improvements were based; and for the two sessions of the Senate, since I have been a member, during which bills have passed for these objects, I have advocated and voted for them, and stated fully and repeatedly, as I do now, the principles of my action. Who but the veriest tool of party, and for the worst purpose, could represent me, under these circumstances, as endeavoring to conceal my views, or to deceive the country, as to their extent or limitation? The bird of the desert, that hides its head in the sand, and strives thus to elude observation, would be the very emblem of wisdom, when compared with the efforts thus charitably attributed to me.

Now, sir, what are my views? And to this plain question, I shall give an answer equally plain. They are to be found in the paper I hold in my hand, being an extract from the annual message of General Jackson of 1834. I was at that time a member of his Cabinet, and was consulted by him in relation to this exposition of his opinions, and I concurred in them then, and have preserved my fealty till this day:

“There is another class of appropriations for what may be called, without impropriety, internal improvements, which have always been regarded as standing upon different grounds from those to which I have referred. I allude to such as have for their object the improvement of our harbors, the removal of partial and temporary obstructions in our navigable rivers, for the facility and security of our foreign commerce. The grounds upon which I distinguished appropriations of this character from others have been stated to Congress. I will now only add, that at the first session of Congress under the new Constitution, it was provided by law, that all expenses which should accrue from and after the 15th day of August, 1789, in the necessary support and maintenance and repairs of all light-houses,

beacons, buoys, and public piers, erected, placed, or sunk, before the passage of the act, within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, should be defrayed out of the Treasury of the United States; and further, that it be the duty of the Secretary of the Treasury to provide by contracts, with the approbation of the President, for rebuilding when necessary and keeping in good repair the light-houses, beacons, buoys, and public piers, in the several States, and for furnishing them with supplies. Appropriations for similar objects have been continued from that time to the present without interruption or dispute. As a natural consequence of the increase and extension of our foreign commerce, ports of entry and delivery have been multiplied and established, not only upon our sea-board, but in the interior of our country, upon our lakes and navigable rivers. The convenience and safety of this commerce have led to the gradual extension of these expenditures; to the erection of light-houses, the placing, planting and sinking of buoys, beacons, and piers, and to the removal of partial and temporary obstructions in our navigable rivers, and the harbors upon our great lakes, as well as on the sea-board.”

I repeat, sir, this succinct exposition contains the principles of my opinions and action. I do not pretend, nor did General Jackson, that no doubt can arise in their practical application. That would be a condition, not compatible with the imperfection of human language. Uncertainty enters, more or less, into all the departments of legislation, and, perhaps, into none more inevitably, than the great branches of public expenditure. Constitutions cannot establish regulations, as rigid as a mathematical problem, nor is there a solid wall of masonry, to which the legislator can go in all cases, and find himself warned, by coming in contact with it, that he is at the boundary of his authority, and can proceed no further. A liability to abuse power is inseparable from the grant of it, and all the cautious statesman can do is to prevent this, as far as possible, by fencing round the depositories of authority with such checks and limitations as, without destroying the object, may tend to render its attainment the safer. General Jackson endeavored to do this by adopting as a rule for himself, not to sanction appropriations for river improvements, above the highest ports of entry. He thus states, in the same message, his views upon this branch of the subject:

“Although I have expressed to Congress my apprehension that these expenditures have sometimes been extravagant and disproportionate to the advantages to be derived from them, I have not felt it to be my duty to refuse my assent to bills containing them, and have contented myself to follow, in this respect, in the footsteps of all my predecessors. Sensible, however, from experience and observation, of the great abuse to which the unrestricted exercise of this authority by Congress was exposed, I have prescribed a limitation for the government of my own conduct, by which expenditures of this character are confined to places below the ports of entry or delivery established by law. I am very sensible, that this restriction is not as satisfactory as could be desired, and that much embarrassment may be caused to the Executive Department in its execution, by appropriations for remote and not well understood objects. But as neither my own reflections nor the lights I may properly derive from other sources, have supplied me with a better, I shall continue to apply my best exertions to a faithful application of the rules, upon which it is founded.”

It will be seen that the limitation he lays down is not a constitutional one, but was adopted for his own personal guidance, to guard the more certainly the public interest.

Another eminent statesman, lately in the midst of us, but whose brilliant career has recently terminated in death, equally to the regret of his friends, who admired him, and of his country, whom he served, with as pure a devotion as ever inspired a human breast, and whose mighty intellect and spotless integrity none questioned or doubted, he, also, gave us his views upon this general subject, and very elaborately, in his celebrated report on the memo-



rial of the Memphis Convention. He concedes fully the right of harbor and river improvements, as that document shows, and a short extract from it will put us in possession of his general sentiments.

"Having now shown that the power to raise money and to appropriate and expend it is confined to carrying into execution the delegated powers, it remains to be considered whether there is any power delegated to the Federal Government, the carrying of which into execution would authorize appropriations and expenditures for the improvement of the navigation of the Mississippi and its waters?"

"But there is not the least probability," continues Mr. Calhoun, "that Congress will ever abandon the exercise of this power, (the power to improve rivers and harbors.) It has not only the right, as has been shown, but it is its duty to exercise it; a duty, under the Constitution, to the States immediately interested, and which are, by one of its provisions, are prohibited from adopting the only means by which they could themselves regulate their commerce with each other."

Mr. Calhoun also sought a practical limitation to this power to improve rivers, for with respect to harbors, he left it wholly to legislative discretion; but he sought it, not in self-imposed restrictions, but in the Constitution itself, independent of the power to regulate commerce, which, in my opinion, is the only true foundation, as it is also the only actual limitation, of this power. I shall not enter into an examination of this State paper, marked with the powerful characteristics of the author; nor could I do so, without injustice, for it is some years since I examined it with care. I will only remark, that it denied the power to Congress to improve rivers, running through one State, or running through or bounded by two States, on the ground, that in the former case the State itself is competent to improve them, without any other action than its own; and in the latter case, that two States interested may, with the sanction of Congress, enter into a convention for their improvement. But that a river penetrating more than two States cannot be improved by joint action, as there are no means to obtain it under the Constitution, and must be improved by the General Government. It is obvious, that this rule has no relation to the size or importance of the river, but to political considerations, wholly independent of its magnitude or value. It places in the same category the Connecticut and the Mississippi, while it excludes other rivers vastly exceeding the former in every utilitarian point of view, some of which are among the greatest of our commercial arteries. Without pursuing this view, however, I will content myself with remarking, that the error of this construction seems to me to be this, that it assumes, that the improvement of rivers must take place, and that where it cannot be effected by the States themselves, it may and must be done by the United States. It strikes me, that such a view is irreconcilable with the fundamental principles of our Government. It would make the General Government a kind of residuary legatee, having a reversionary right to all power, not otherwise disposed of. The reverse, I take it, is the true and settled doctrine—that to the States and the people belong all the powers, not granted by the Constitution. If a power is not found there, however necessary it may be, it cannot be assumed by Congress. Were there no authority to declare war, maintain an army, or to equip a navy, these acts could not be done, whatever pressing emergency might arise, till the necessary authority were granted. I repeat, that it is some time since I looked over this document with care, and I can

therefore only state the general impression, it left upon my mind.

Now, sir, the honorable Senator from South Carolina [Mr. BUTLER] has referred, rather triumphantly, I thought, to the resolutions of the Baltimore Convention, and seems to suppose, that their faithful observance would prevent those of us, who acknowledge their obligations, from voting for any river or harbor bill. Mr. President, for one, I see neither difficulty in the case, nor inconsistency in the course. This resolution, disavowing the right to establish a general system of internal improvements—for that is the doctrine reprobated—was first presented to the Democratic party by that able and incorruptible statesman, Silas Wright, whose memory is embalmed in the heart of every true Democrat. Well, sir, he, its acknowledged father, held at the time he urged it, and continued to hold till his lamented death, the same opinions upon this subject, which are now sanctioned by the Democratic party, and which authorize these appropriations for certain national objects. Can a doubt rest upon the mind of any man, fairly disposed, respecting the construction he put upon his own declaration? What he meant, and what the Democratic party mean to repudiate, is the power to spread a great system of public works through the whole country, embracing roads, canals, rivers and harbors, and ponds, too, for aught I know—a system by which the Union was to be covered with roads and canals, as by a net-work, and whose consequences, as well financially, in the enormous expenditure it would entail, as morally and politically, by the corruptions it would lead to, no man can seriously contemplate without alarm. Why, sir, a fact which has just been stated by an honorable member, [Mr. DOWNS,] that at the time of the Maysville veto, there were propositions before committees of Congress for lines of roads to the amount of \$106,000,000, as I understood him, for I have not time to refer to the documents, places in a striking light the dangers we were exposed to, and from which we escaped by the firmness and wisdom of Andrew Jackson; and by the adherence of the Democratic party to the principles of this great act, we are yet safe from this peril. They have taken roads and canals from the grasp of the General Government, and all the rivers, except a few, which can be considered national in their character, by the contributions they furnish to the commerce of the country. A great system of internal improvements is exploded, and the powers of the Government are confined within their legitimate boundaries, the right to regulate commerce, and to improve natural reservoirs, and some of the principal natural avenues of communication.

Look, sir, at the votes in the Senate in 1847, the last time a bill upon this subject passed, and but a year before the meeting of the Baltimore Convention. You will find, that on a test vote, so announced by the mover, Mr. Bagby, to strike out the sum of \$156,000 for the improvement of the Ohio river below the falls, there were 39 nays, and but 6 yeas. My name is recorded among the former; and a far greater one than mine is there, too—the name of Calhoun.

With respect to harbor improvements upon the great lakes, in which my constituents feel a deep interest, I may be permitted, I trust, to make a few remarks. It is the exercise of a power essential to the prosperity of the country, and necessary to prevent a prodigal waste of human life. When I



first removed to that region, there was but one natural harbor free from a bar between the mouth of the Detroit river and Black Rock, the whole extent of Lake Erie, and that was at Put-in-Bay Island. How this great defect was to be remedied was a subject of anxious inquiry, for almost every day demonstrated, both the danger and the difficulty of the navigation. I have never been exposed to more peril, than at Cleveland, where I was driven ashore, and narrowly escaped with my life, the mouth of the river being entirely closed. At length the plan of building piers was suggested and adopted, by which the current of the rivers, being confined within narrow limits, they were thus enabled, when high, to sweep away the bars, and so to create and preserve navigable channels. Experience soon came in aid of the system, and it is now found effectual for its object. It must be recollected, that storms arise violently and suddenly upon those great fresh-water seas; and as there is not sea room, as sailors say, to work a vessel off, she must often perish with cargo and crew, unless there is a harbor near, in which she can take refuge. And these circumstances render a greater number of ports necessary, than would otherwise be required. But as it is, and with all the improvements, which have taken place, the statistics of the lake commerce for 1850 exhibit a most lamentable loss of life and property, as the following abstract will show:

Loss of life.....395

Loss of property.....\$558,000

Number of vessels lost.....32

The value of the property and number of persons running this risk are stated as follows:

Value of the commerce.....\$191,000,000

Passengers.....355,000

American tonnage.....167,000

Here, sir, is an exhibit of danger great enough to awaken the solicitude and to command the active attention of the most careless Legislature. I can never surrender a principle, which enables the Government to discharge a sacred duty, dear to all my constituents; and I should faithlessly discharge my obligations to them, (and those obligations are many and great,) if I did not use all my efforts to have this trust fulfilled by the General Government, so far as I can consistently with the Constitution and the true principles of sound legislation.

Harbors of commerce and of refuge are not only necessary, but harbors are also indispensable for the purposes of war. A fact that occurred in 1813 should teach us to be provident in season. The fleet, commanded by Commodore Perry, which gained the most glorious naval battle recorded in our annals, was constructed at Erie, in Pennsylvania. At that time the waters of the Lake were low, and the bar at the mouth of the harbor could not be passed, without lighting the vessels. The British fleet was off the shore, blockading ours, which could not go out, while the enemy was there, because the guns could not be mounted, as they would have occasioned too great a draught of water. A violent storm arose, which compelled the hostile squadron to leave the coast, and, by great energy and activity, Commodore Perry was enabled to get his vessels over the bar, and to embark his guns and follow the enemy, and thus to gain that splendid victory, which he fought with Spartan courage, and reported with Spartan brevity, when HE MET THE ENEMY, AND THEY WERE OURS.

Anxiously did I look out for tidings of the result, for the booming cannon had told that the

contest had gone on and was finished; and joyfully did I open the dispatch of the gallant commander, for it was my fortune to receive it in the absence of General Harrison; and the shouts of the express, as he rode through the camp to my quarters, prepared us for the intelligence he brought;—but what I felt when I read the glorious letter, no tongue or pen can tell or record. It opened to us the road to the conquest of western Canada, and to the recovery and security of our own northwestern frontier. The British would otherwise have retained the command of the Lake, and our whole operations would have ended in useless and enormously expensive efforts to invade the hostile possessions by land.

But, sir, anxious as I am, that our harbors should be improved, still there are very objectionable features in this bill, which I desire to see changed. Both the Senator from Kentucky, [Mr. CLAY,] and the Senator from Ohio, [Mr. EWING,] concede this, nor have I heard a single member, who does not coincide in this opinion. No one can doubt it. But the distinguished Senator from Kentucky, while acknowledging this, refuses to admit any amendment, because, as he says, the House would not agree to it, and thus the bill would be lost. No bill, he remarks, is perfect; and we must take the good with the bad, for better for worse, to use his own language, as a man takes his wife. This, sir, is a very strange view of our duties, and one I entirely repudiate. Must we take to wife the first woman we meet? Must we take the first bill, which is sent to us? Must we take the bad without one effort to make it good? Do we sit here merely to register the edicts of the House? This view of our duty would make us legislative ciphers, more contemptible, indeed, than the Council of Antients, under the Consular or Imperial government of France, which possessed the right to vote upon public measures, but not to discuss them. We should have the useless right to talk, but not the useful right to act. I do not thus understand our duties. I believe it is imperative upon us to make every bill as perfect as we can; not, indeed, to adhere so tenaciously to our opinions as to refuse to meet the House in a proper spirit of concession in cases of difference, but never to surrender our opinions upon the presumption, that the House will not concur, and thus abandon our share of legislative duty and responsibility. If this be so, and we must pass bills just as they come to us, because the House denies us practically any participation in legislation, the sooner this is known the better, that our constituents may apply the proper remedy by changing their members, or by changing their political organization. As the Senator from Georgia [Mr. DAWSON] well said, we must not dot an *i*, nor cross a *t*, because the House will not permit this attack upon their authority.

The honorable Senator from Kentucky tells us substantially, *Take this or take nothing*. Surrender your rights and duties to the House, and record their decrees, or we will hold you responsible to the country. For one, sir, I yield to no such injunctions. I take my full share of the responsibility of striving to look into the principles and facts of this bill, and to make it in conformity with the Constitution and with the demands of just and wholesome legislation. I would not hold a seat here for one hour upon any other terms.

This bill, important in its amount, and still more important in the principles it involves, was taken.



up yesterday, when but three days of the session remained, and with the authoritative annunciation of the Senator from Kentucky, that we must take it, and take it as it is. For myself, I acquiesce in no such proposition. I will not thus surrender the rights and duties of this body, and convert it into a mere chamber for registering the decrees of the House. But what right has the honorable Senator to declare, that the House will reject every amendment, and with such certainty as to leave us no alternative between the surrender of our duty and the loss of the bill? No, sir; no man has the right to urge this ground of action, or rather of inaction, upon the American Senate. Let us amend the bill, wherever we may think it requires amendment, and then let us leave to the House the discharge of its own duty, upon its own responsibility.

But, sir, are amendments necessary? I have already said, that no one has denied this. I believe it is universally admitted, and, admitted or not, I shall now proceed briefly to demonstrate it.

In the first place I think the amount appropriated is much too large, far larger than was ever before assigned to similar objects in one year; and after making all just allowance for the length of time, which has elapsed since the last appropriation was made, I believe the sum in this bill far exceeds what is necessary, and that the amount cannot be judiciously expended within the season, and in the right place, even if all the objects were clearly constitutional and necessary. The state of the Treasury and the great demands already authorized, and the still greater ones anticipated, should warn us to keep our expenditures within as reasonable limits as possible. Many of the members are apprehending an empty exchequer, and I think within a day or two I heard a report read from the Secretary of the Treasury, in which he told us that there is already an alarming falling off in the receipts of the year, calling for great caution in our expenditures. I did not hear the document distinctly, but the chairman of the Committee on Finance, [Mr. HUNTER,] who discharges so honorably for himself, and so ably for the public, the responsible functions which devolve upon him, can tell us if I am right in this impression.

Mr. HUNTER.. The Senator from Michigan asks me if the Secretary of the Treasury did not state, in a communication to me, which has been read here, that the receipts from customs were beginning to decline. The Senator is right in his understanding of that letter. The Secretary did so state, and founded upon it, in part, a recommendation for authority to issue five millions in stock or Treasury notes.

Mr. CASS. So, sir, it seems that do the best we can we are in danger of having our expenses exceed our income, a situation in which this country should never be placed, but in time of war. Members hardly wish, either to increase the debt, or to levy additional taxes, and the only remedy is to curtail, till our outgoings and our incomings balance each other.

But, sir, there are grave objections to this bill, violating, as it does the established practice of the Government, and leading to a system of appropriations, without example in our legislative annals. It will be observed, that the practical application of the question of appropriation for a given object of this kind, is made up of its necessity and its probable cost, after its constitutionality is settled. If it does not come within the established category,

as to constitutional power and is not national in its importance, and if it cannot be accomplished without a sacrifice of the true principles of action, or without an expense disproportionate to its value, it ought to be abandoned. To ascertain its true character, a previous examination is indispensable, by an experienced and trustworthy officer, and the receipt of his report, with proper plans, surveys, and estimates, showing the nature of the work contemplated, the excavation, dredging, piers, wing dams, or whatever else is proposed, together with an estimate of the various items in detail, and the probable eventual cost of the work, and exhibiting such topographical information as the officer may be able to procure. Upon this system have we proceeded, both in the legislative and executive departments of the Government; nor do I believe, that one single instance can be found upon the statute book, where an appropriation has been made, without these preliminary operations. So far as I know—and I have had my share of experience in this work—this is the first attempt to sweep away all the means of information, as well as all the established guards against abuse; the first effort to induce Congress to commence a system of appropriation, without the slightest knowledge of the true character of the work proposed, without any plan of operations, and without any estimates, even the most conjectural, of the expense, into which the Government must be led, before the improvement is completed. Sir, are we prepared for such a state of things? If we are, I am sure the public is not, and we shall receive the condemnation due to the reckless, if not the unjust steward, if we persist in such a course. This system, if carried out from this day, will enable any one member of Congress to procure the insertion of any appropriation he pleases, without a shadow of responsibility, and the same privilege will pass round to any other member, who chooses to exercise it. It is easy to see what kind of operations, as well legislative as topographical, all this will lead to; and if it does not explain how this bill has been passed, with its enormous load, it must be because our mental vision is shut in by Egyptian darkness.

I do not pretend, sir, that even the most accurate surveys, and the most carefully-prepared estimates, can fix with accuracy the annual or eventual cost of a work. From the very nature of the elements, which necessarily enter into the calculation, and from the accidents of water and weather, we must only expect a general approximation towards the object. Still, with all these accidents, the plan is highly useful, indispensable indeed, to discreet legislation, as well as to faithful administration. And besides, the Department is responsible for any gross errors, and its character is committed to the result. But make a loose appropriation, without inquiry, and who is responsible? Years after, the Department and the Bureau, when you become alarmed at the consequences of your own course, may say, aye and would say, We know nothing of the origin of this work. We have only been obeying the will of Congress, who did not ask our views upon the subject. The fault is not ours.

It is obvious, sir, that a system thus prone to abuse, instead of being relaxed should be surrounded with still stronger barriers. The greatest danger lies in the temptation to barter one work for another, by which means it is not their respective claims to real improvement which decides



their introduction into a bill, but the mutual support they give to each other upon the question of its passage. One obvious remedy for this state of things would be, to consider every object separately, and in a bill by itself. Such, I understand to be the requisitions of the New York constitution in similar cases, and such was the proposition of a Senator from that State, made when he was the chairman of our Committee on Commerce, and now retired to private life. Another check would be, by including new and old works in separate bills, and also by grouping together the several objects proposed for the various great sections of our country, for the Atlantic coast, for instance, the Mississippi valley, the great lakes, and the Pacific coast, and providing for them in different bills. I am confident we must adopt some such plan, and the very first time the subject comes up, this modification, in one or another of these forms, shall receive my cordial support. Without it, I shall vote, if at all, with great reluctance. This will open the way for cautious and discreet legislation, and I wish the Administration would send us the next estimates, with some such classification.

A slight analysis of this bill will show how lamentably deficient it is in all practical checks, and how utterly it sets at naught the established policy of the Government.

[The following abstract was prepared before the discussion, and some of the facts were referred to in the Senate. It was not read, however, but it is introduced here as furnishing necessary information:]

The regular estimates of the Department, upon which we are now acting, were submitted in December, 1849. Not having been acted on, they were referred to in the report of December, 1850, as then presenting the views of the Department, with only two exceptions, one at Milwaukee, and the other at Racine, both of which, in consequence of a severe storm, require, as the local engineer said, "some addition to the estimates."

The amount thus asked for in the annual report of the Department is.....\$1,035,000

The amount included in the bill before the Senate is.....2,337,000

Being an excess beyond the demands of the Department of.....1,302,000

And how is this excess created?

1st. By the addition of various sums to the several objects recommended by the Department, which had stated the amounts it needed, and to which additions are made by the action of the committee upon their own responsibility, varying from \$36,000 in one case to smaller sums in other cases, but producing an aggregate of.....324,000

2d. By increasing the number of the objects, without previously consulting the Department, so far as the documents show, in any case, and without consulting it at all in other important cases, to the amount of.....\$978,000

The number of the various objects of appropriation estimated for and asked by the Department, including dredge boats, is.....44

The number added by the committee is....52

96

An improvement in Florida left out.....1

Making the whole number in the bill.....95

In September, 1850, the Committee of Com-

merce of the House, after preparing their bill, sent a copy of it to the War Department, and received the remarks of the Colonel of Topographical Engineers upon the various items it contained, most of which he approves, and thinks the proposed additional sums can be properly expended. It is not a little remarkable, however, that we have not a word from the Secretary of War upon the subject. His letter, if he wrote one, is not given. His sanction is not here. The responsibility of the Administration for these changed appropriations, we have not received.

Nor is it less remarkable, that not a single change was made in the bill, so far as appears, to accommodate it to the report of the chief engineer in those cases where he disavows all knowledge of the work, and in others where he speaks with much doubt, either as to the work itself, or the amount proposed, *presuming* instead of estimating, as well as where he considers preliminary surveys necessary. It does not appear that his remarks caused the slightest change.\* But nothing can place in a more striking light the dangerous tendency of this procedure than some of the observations made upon the bill by the Chief of the Corps.

He states that there are three of the objects of which he knows nothing.

Of one, that the precise plan and objects are unknown, but that the amount, \$20,000, is probably adequate for the fiscal year.

Of another, that the Department is not aware of the plan or authority, but that the amount in the bill, \$30,000, is adequate to the accomplishment of much work, and would do it well.

Of another, that as a question of harbor improvement it is unknown. STILL THE appropriation, \$25,000, is carefully preserved.

In another, \$25,000 are appropriated for work, though the bureau contemplated at the next session to present a more connected system, and a regularly-digested plan, &c.

Of another, that *if the work* is as formerly contemplated, (showing how vaguely the matter is left,) the amount, \$13,000, is adequate, but that a most careful preliminary examination should be made before any other work is commenced.

Of another, that *presuming* (whence the presumption comes is not stated) this to be in continuation of former works, the amount, \$16,000, is sufficient for the year.

Of another, that the Bureau is not informed on the subject. The plans and estimates, whatever they may be, are not the result of operations there. Notwithstanding the appropriation, \$20,000, is yet in the bill.

Of another, that the surveys are an essential to any preliminary measure.

That of another, no survey has been made since 1830.

But the most dangerous innovation upon our system remains yet to be noticed. There are nine objects appropriated for in this bill, for which we have not a single word from the War Department.

The amount of the work to be thus provided for, without the shadow of authority or responsibility, without surveys, plans, or estimates, and without

\* I have since learned from undoubted authority, that these remarks were merely intended by the committee of the House to communicate additional information to Congress, without assuming an official character.



the least knowledge of their true condition, so far as we know, is.....\$385,000

Nothing exhibits the uncertainty of all this matter better than the reference of the chief engineer to lines 142, 144, 148, 150, applied to the bill before us. This bill came to us from the House, and with it we have the remarks of the chief engineer, with which we have been comparing it. He refers to the objects of the bill by the number of lines, and among these are the following:

The improvement of the Ohio river above the falls at Louisville..... \$80,000

The improvement of the Mississippi river below the rapids, the Ohio below the falls at Louisville, and the Missouri and Arkansas rivers..... 240,000

And for the Illinois and Tennessee rivers, \$50,000 each..... 100,000

The improvement of the Red river..... 80,000

Now, sir, who would dare even to conjecture that two of the important objects in these lines, the improvement of the Tennessee and of the Illinois, were not there, when the engineer made his report, and to which of course he had not the slightest reference?

And yet, so it is. The report was made in reference to the first bill of the House, for which that before us was substituted; and thus the engineer appears to sanction what he had not seen, and to speak of two of the works, those for the improvement of the Tennessee and of the Illinois, "*as old and well known subjects*," though not a dollar had ever been expended upon either, under the authority of the General Government. And well, therefore, may the Senator from Ohio [Mr. CHASE] have corrected what he supposed an error, when it was said that these two objects had not been sanctioned by the Department. He turned to this part of the report in support of his views, but after all he was wrong. And yet, with all these proofs and sources of error, we are required to push this bill through unchanged and instantly.

[The above abstract was hastily prepared, and its calculations may not be accurate, though they are enough so for the support of the general conclusions. Mr. CASS has been told, since the session, that there was a mass of papers before the Committee on Commerce of the House, and reported back to their Clerk, where they yet remain, unknown to the Senate or a single member of it. Not the most distant allusion was made to them, and, whatever may be their contents, they could not influence the action of the Senate or of the House. The abstract is prepared from the official papers, and the course of both branches must be judged by them.]

Now, sir, I would not have it supposed for a moment, that in any of these remarks, I intend to cast the slightest censure upon the Colonel of the Topographical Corps. I know him well, and a more intelligent, able, or faithful officer, this Government has not in its service. I say of him what I know of him. His report to the committee was hastily prepared, and consists, not of his own original views, but of comments in some measure upon theirs, to guide them in their actions in cases of which they had assumed the responsibility. But this exposition was necessary to show the tendency of this new system, which reverses the natural order of things by taking possession of the object first and seeking a reason for it afterwards. And the chairman of the committee, whom I have known from his youth, and known only to respect and esteem, and who has a hereditary claim to my regard as the son of one of my

most valued friends, possessing the noblest attributes of an American statesman, had a difficult and laborious task in recommencing these appropriations, after they had been suspended for seven years, and when the pressure for their introduction was greater than it ever was, and the true facts more difficult to obtain. Difficulties, under such circumstances, were not only to be anticipated, but were unavoidable.

The reported circumstances, attending the introduction of some of these objects into the bill, are worthy of consideration, as ascertaining the causes of its progress and success. Two of them are for the improvement of the Tennessee and of the Illinois rivers. The former, one of the great streams of our country, watering a most extensive region, and the latter even now a very important avenue of commercial intercourse, and from its position destined ere long to rival the Hudson itself, in value, as a means of intercourse, almost equally valuable to the East and to the West. Well, sir, when and how did these objects get into the bill? It has been said here, that it was upon the eve of its passage, and when, as we have heard stated, it could not pass without calling for additional aid, which was obtained by the introduction of these and some six or seven other kindred objects.

Now, sir, I do not mean to decide that these items, or any of them, are not proper in themselves, when brought forward in a proper way and with the usual checks, and the necessary time for examination. Those are questions to be decided, when they come up. Neither do I intimate that those who urged them were not satisfied of their just claims to improvement.

But what I do object to most strenuously is, that we should be called on to pass them, under these circumstances of total ignorance, and thus introduce a system which will prostrate every barrier against improper expenditures, and will lead to a mode of legislation, whose consequences, involving such a vast variety of pressing local interests, are too obvious to need any severe investigation. Who asked for these new objects, or for the increase of the old ones? Where are the petitioners? Who surveyed these rivers? Where are the surveys? Who estimated for them? Where are the estimates? The amendment we have already made to the Tennessee appropriation shows the utter deficiency of all correct information upon this subject. In the bill, as it stood, the amount was to be expended upon any part of the Tennessee river. We have confined it to a very small portion, upon conflicting representations, made here, without the sight of a single document, showing the true character of the object, or the nature of the work, in whole or in part. The War Department has not asked for these appropriations. We have not a word from it in relation to them. We have passed by all the usual sources of information, and all the usual checks to hasty and improper legislation and now find \$100,000, near \$400,000 indeed, including all the items liable to those objections, for a commencement, and leading to countless millions, it may be before the works, thus begun, are completed. Now, sir, I cannot sanction this dangerous system, and I am not willing, for one, to introduce it, leaving Congress destitute of all information and the Executive of all just responsibility.



MONDAY, March 3, 1851.

Mr. BRADBURY proposed the following amendment:

"And it is hereby expressly provided, that the appropriation in this bill contained, shall take effect upon and authorize the expenditure of only such surplus or excess as shall remain in the Treasury of the United States after deducting the expenditures of the Government, according to the appropriations that have been or shall be made by Congress from the public revenues."

This amendment having been rejected upon the call for the yeas and nays—

Mr. CASS rose and observed, That he was opposed to the increase of the public debt, or to the imposition of new taxes, and that he intended to offer an amendment, which would enable him to vote for the proposition. By misunderstanding the state of the question, he had lost the opportunity, and he desired now to state his views, and the change he deemed necessary.

I repeat (said Mr. Cass) that I am in favor of the great principle of keeping the expenditures within the receipts, and I am prepared to support it, if the deficiency is thrown equally upon all the objects of expenditure, which are in the same circumstances. I agree that the authorized and usual expenses of the Government—those sanctioned by existing laws, and the private claims, which have become acknowledged debts by our legislation, should be first met. We cannot avoid these without the most serious injury, and without the palpable violation of a moral duty. But I cannot extend this immunity any further than our existing obligations. I cannot consent, that all the excess should be thrown upon the river and harbor appropriations. It is not just. There is a vast variety of objects, for which we are providing with railroad rapidity, and amid a railroad *noise and confusion*, which are far inferior in real importance and utility, to many of those contemplated by this bill. Among them are appropriations made or anticipated for the Capitol, for mints, custom-houses, post offices, steamboat lines, and books—no inconsiderable source of expense—and many other purposes, all of which may be delayed, and many of which may be omitted without injury to the public service. I repeat, sir, it is unjust, flagrantly so, to throw all the deficiencies upon the river and harbor bill, and leave everything else to go on, money or no money. I propose to the Senator from Maine to accept an amendment which will carry out this view, and I will then vote for his proposition.

This suggestion having been accepted—

Mr. BRADBURY moved to amend the bill by inserting at the end thereof:

"And it is hereby expressly provided, That the appropriation in this bill contained shall take effect upon and authorize the expenditure of only such surplus or excess as shall remain in the Treasury of the United States, after deducting from the public revenues the sums necessary to meet the appropriations that have been or shall be made by Congress to execute existing laws and liquidate private claims."

An objection of order to the receipt of this amendment having been made, on the ground that it was identical with the former proposition, and this objection having been overruled by the Senate, the amendment itself came up for consideration.

Mr. EWING. Never was there an amendment more skillfully devised and more effectually calculated to destroy this bill than this amendment

of the honorable Senator from Michigan, [Mr. Cass.] We have the petty worm of Nilus here, that kills, but pains not. It is introduced by a professed friend of the bill. If it is examined closely, it will be found to be certain destruction to the bill.

Mr. CASS. The honorable Senator will allow me to say, that while I take my full share of responsibility, and shall vote for the proposition, yet as a matter of fact, I did not introduce it. The original proposition came from the honorable Senator from Maine, [Mr. BRADBURY.] I suggested an amendment, after that was rejected; and now he has received it, and incorporated it with his own. [The Senator himself [Mr. EWING] had just voted that the propositions were identical, or in other words, that the first amendment and the second amendment were precisely the same, or still in other words, that the proposition of Mr. Cass, now so suddenly obnoxious and destructive, did not change the original proposition in the slightest degree.]

Mr. EWING. The original amendment was introduced by the honorable Senator from Maine, and was rejected. But this is an amendment prepared by the Senator from Michigan, and by him handed to the Senator from Maine, to be introduced.

Mr. BRADBURY. No, sir; it was prepared by me.

Mr. EWING. This is the amendment of the Senator from Michigan, and I hold him responsible for it before the country. There is not so much "noise and confusion" as to prevent the country understanding this.

Mr. CASS. There is not so much "noise and confusion," but that the Senator might state the facts, as they are.

Mr. EWING. I did, sir.

Mr. CASS. No, sir.

Mr. EWING. I can prove it.

Mr. CASS. No, sir.

Several SENATORS. "Order! order!"

Mr. CASS. The honorable Senator from Maine introduced a proposition. I did not understand it distinctly. I so stated to the Senate, and no man with a particle of candor can deny it. I intended to offer an amendment, but I accidentally lost the opportunity at the proper moment. When the roll was called on the proposition of the Senator from Maine, it was rejected; and I then suggested the amendment, which I had intended to offer. It was said to me, that the whole had better be embodied and produced as one amendment, thus sufficiently varying from the other, to permit its consideration. I was anxious to have it done. I am willing to take the full responsibility of the whole, but I will not permit any gentleman to get up and talk to me in this manner about holding me responsible.

The proposition was lost by the following equal vote of the Senate:

YEAS—Messrs. Atehison, Berrien, Bradbury, Bright, Butler, Cass, Clemens, Davis of Mississippi, Dawson, Dickinson, Douglas, Downs, Feleh, Foote, Gwin, Hamlin, Houston, Hunter, King, Mason, Morton, Norris, Rhett, Rusk, Soule, Sturgeon, Turney, Whitcomb, and Yulee—29.

NAYS—Messrs. Badger, Baldwin, Bell, Borland, Chase, Clarke, Clay, Cooper, Davis of Massachusetts, Dodge of Wisconsin, Dodge of Iowa, Ewing, Greene, Hale, Jones, Mangun, Miller, Pearee, Pratt, Rantoul, Sebastian, Seward, Shields, Smith, Spruance, Underwood, Upham, Wales, and Walker—29.